

DLT. 720

AO 441 (Rev. 5/85) Third Party summons in a Civil Action

United States District Court

Northern District of Oklahoma

STATE OF OKLAHOMA, ex rel., et al.
PLAINTIFF

v.

TYSON FOODS, INC. et al.
DEFENDANTS AND THIRD-PARTY PLAINTIFFS

THIRD PARTY SUMMONS IN A CIVIL ACTION

v.

City of Tahlequah, et al.
THIRD PARTY DEFENDANTS

CASE NUMBER: 05-CV-0329-JOE-SAJ

To: **Secretary of State Service agent for
 Lake Country Resort, Inc. d/b/a Tenkiller Golf Club
 2300 N. Lincoln Blvd., Suite 101,
 Oklahoma City OK 73105**

YOU ARE HEREBY SUMMONED and required to file with the clerk of this court and serve upon

PLAINTIFF ATTORNEY	DEFENDANT AND THIRD PARTY PLAINTIFFS ATTORNEYS:	
Douglas Allen Wilson Melvin David Riggs Richard T. Garren Sharon K. Weaver Riggs Abney Neal Turpen Orbison & Lewis 502 West 6 th Street Tulsa, OK 74119-1010	A. Scott McDaniel Joyce, Paul & McDaniel PLLC 1717 South Boulder, Suite 200 Tulsa, OK 74119 For Peterson Farms Robert W. George Kutack Rock LLP The Three Sisters Building 214 West Dickson Street Fayetteville, AR 72701-5221 For Tyson Foods, Inc. R. Thomas Lay Kerr, Irvine, Rhodes & Ables 201 Robert S. Kerr Ave., Suite 600 Oklahoma City, OK 73102 For Willow Brook Foods, Inc.	Robert P. Redemann Lawrence W. Zeringue David C. Senger Perrine, McGivern, Redemann, Reid, Berry & Taylor, PLLC P. O. Box 1710 Tulsa, OK 74101-1710 For Cal-Maine Foods, Inc. George W. Owens Randall E. Rose The Owens Law Firm, P.C. 234 West 13 th Street Tulsa, OK 74119 For George's Inc. John R. Elrod Vicki Bronson Conner & Winters, P.C. 100 West Center Street, Suite 200 Fayetteville, AR 72701 For Simmons Foods, Inc.

an answer to the Third-Party Complaint which is herewith served upon you within **20 days** after the service of this summons upon you exclusive of the date of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Third-Party Complaint. There is also served upon you herewith a copy of the Complaint of the Plaintiff. You have the option of answering or not answering the Plaintiff's Complaint *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the Third-Party Plaintiff is demanding judgment against you in favor of the original Plaintiff under the circumstances described in Rule 14(c) Federal Rules Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of Plaintiff as well as to the claim of the Third-Party Plaintiff.

Phil Lombardi
 Clerk

MAR 26 2006

Date

(By) DEPUTY CLERK

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>3.22.2006</u>	
NAME OF SERVER (PRINT) <u>Elizabeth Trotta</u>	TITLE <u>Paralegal</u>	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served: <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input checked="" type="checkbox"/> Other (specify): <u>Certified Mail, Restricted Delivery</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct. Executed on <u>3.23.2006</u> <u>Elizabeth Trotta</u> <div style="display: flex; justify-content: space-between;"> Date Signature of Server </div> <u>1717 S. Boulder, Ste 200, Tulsa OK 74105</u> <div style="text-align: center;">Address of Server</div>		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	Postal Service TM CERTIFIED MAIL TM RECEIPT (Certified Mail Only; No Insurance Coverage Provided)															
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <u>Don Butler</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) <u>Don Butler</u> C. Date of Delivery <u>3/22/06</u> D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	For more information visit our website at www.usps.com <div style="border: 1px solid black; padding: 5px;"> OKLAHOMA CITY, OK 73105 UNIT ID: 0003 Postmark Here Clerk: KN3T79 03/21/06 </div>															
1. Article Addressed to: <u>Secretary of State, Service for Lake Country Resort, Inc. d/b/a Tenkiller Golf Club</u> <u>2300 N. Lincoln Blvd. #101</u> <u>OKlahoma City, OK 7. 105</u>	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Postage</td> <td style="width: 30%;">\$ 8.85</td> <td style="width: 40%;">UNIT ID: 0003</td> </tr> <tr> <td>Certified Fee</td> <td>\$ 2.40</td> <td>Postmark Here</td> </tr> <tr> <td>Receipt Fee (if required)</td> <td>\$ 1.85</td> <td>Clerk: KN3T79</td> </tr> <tr> <td>Delivery Fee (if required)</td> <td>\$ 3.70</td> <td>03/21/06</td> </tr> <tr> <td>Total Fees</td> <td>\$ 16.80</td> <td></td> </tr> </table>	Postage	\$ 8.85	UNIT ID: 0003	Certified Fee	\$ 2.40	Postmark Here	Receipt Fee (if required)	\$ 1.85	Clerk: KN3T79	Delivery Fee (if required)	\$ 3.70	03/21/06	Total Fees	\$ 16.80	
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Total Fees	\$ 16.80																
2. Article Number (Transfer from service label) 7005 3110 0002 7876 0928	3800, June 2002	<u>Secretary of State, Lake Country Resort</u> <u>2300 N. Lincoln Blvd. Ste. 101</u> <u>OKC, OK 73105</u> See Reverse for Instructions															